



Order Filed on February 5, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

**UNITED STATES ATTORNEY'S OFFICE**

CRAIG CARPENITO  
United States Attorney  
EAMONN O'HAGAN  
Assistant U.S. Attorney  
970 Broad Street, Suite 700  
Newark, NJ 07102  
Tel: (973) 645-2874

*Attorneys for the United States of America*

*In re*

PHILIP CASILLO,

Debtor.

Chapter 13

Case No. 17-20445-RG

Judge: Hon. Rosemary Gambardella

**STIPULATION AND ORDER DETERMINING THE EXTENT OF THE  
SECOND LIEN  
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

The relief set forth on the following pages, numbered two (2) through three (3) are hereby  
**ORDERED**

**DATED: February 5, 2018**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
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Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Debtor: Philip Casillo

Bankr. Petition No. 17-20445-RG

Caption of Order: Stipulation & Order Determining Extent of Second Lien of U.S. Dept. of HUD

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The debtor Philip Casillo (the “Debtor”), and creditor, U.S. Department of Housing and Urban Development (“HUD”), enter into the following stipulation pertaining to the extent of HUD’s lien on real property owned by the Debtor:

HUD has a valid mortgage (the “HUD Subordinate Mortgage”) on the real property owned by the Debtor, commonly known as 33 East Lakeshore Drive East, Vernon, New Jersey 07422 (the “Property”).

The HUD Subordinate Mortgage in the amount of \$27,311.88, shall be abrogated and null and void if the Debtor completes his chapter 13 plan in these proceedings and receives an order of discharge.

HUD shall have an allowed unsecured claim of \$27,311.88, against the Debtor.

Upon the Debtor’s successful completion of his chapter 13 plan and receipt of an order of discharge, the HUD Subordinate Mortgage shall be terminated.

In the event that the Debtor refinances the loans on the Property, or sells the Property prior to the completion of these chapter 13 proceedings and receipt of a chapter 13 discharge, then the HUD Subordinate Mortgage will be paid: (i) in the event of a refinancing, in full at closing; and (ii) in the event of a sale, to the extent of proceeds remaining after satisfying senior mortgages on the Property, unless a lesser amount is agreed to by the parties.

In the event that the Debtor fails to complete his chapter 13 plan in these

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Debtor: Philip Casillo

Bankr. Petition No. 17-20445-RG

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proceedings and fails to obtain a chapter 13 discharge order in bankruptcy case number 17-20445, this Order shall not affect the validity or enforceability of the HUD Subordinate Mortgage and may not be enforced in any subsequent bankruptcy case filed by the Debtor either to compel the holder of the HUD Subordinate Mortgage to execute a discharge of the HUD Subordinate Mortgage, or to otherwise act as a discharge or release of the HUD Subordinate Mortgage.

Upon completion of the Debtor's chapter 13 plan and the entry of a chapter 13 discharge order in these proceedings, the Debtor may record a certified copy of this Order, with a copy of the Debtor's chapter 13 discharge order attached, which will constitute and effectuate the discharge of the HUD Subordinate Mortgage.

IN WITNESS WHEREOF, HUD and the Debtor have agreed to the foregoing as of the dates written below.

Dated: January 31, 2018

Dated: January 30, 2018

**CRAIG CARPENITO**  
**UNITED STATES ATTORNEY**  
**DISTRICT OF NEW JERSEY**

**PHILIP CASILLO**

/s/ Eamonn O'Hagan

/s/ Stephen B. McNally

Eamonn O'Hagan, AUSA  
*Attorneys to the United States of America*

Stephen B. McNally, Esq.  
*Attorney for the Debtor*

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Philip Casillo  
Debtor

Case No. 17-20445-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Feb 07, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 09, 2018.

db +Philip Casillo, 33 Lake Shore Drive East, Highland Lakes, NJ 07422-1117

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 09, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 7, 2018 at the address(es) listed below:

Eamonn O'Hagan on behalf of Creditor United States of America (U.S. Dept. of HUD)  
eamonn.ohagan@usdoj.gov  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com  
Stephen B. McNally on behalf of Debtor Philip Casillo steve@mcnallylawllc.com,  
jennifer@mcnallylawllc.com;b.sr70072@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5